

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBBIE THOMAS ,	:	CIVIL ACTION NO. 1:12-CV-1539
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
CHARLIE BRINICH, et al.,	:	
	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of April, 2013, upon consideration of the Mandate of the United States Court of Appeals for the Third Circuit (Doc. 15), remanding the instant matter with instructions that “the District Court should grant Thomas’s application to proceed IFP, and consider his complaint” (Id. at 2), it is hereby ORDERED that:

1. The motion to proceed in forma pauperis (Doc. 2) is construed as a motion to proceed without full prepayment of fees and costs and is GRANTED.
2. The administrative order (Doc. 6) directing the Superintendent/Warden of the institution in which plaintiff is incarcerated to remit in monthly installments, the full \$350.00, filing fee is REINSTATED. The Clerk of Court shall NOTIFY the Warden/Superintendent of plaintiff’s present place of incarceration.
3. The Clerk of Court is directed to forward the complaint (Doc. 1) to the United States Marshal for service on the defendants named therein.

4. Plaintiff's motion for appointment of counsel (Doc. 13) is DENIED without prejudice.¹ If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of plaintiff.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹At this early juncture in the proceedings, it is assumed, for purposes of this motion, that plaintiff's claims brought pursuant to 42 U.S.C. § 1983, have an arguable basis in law or fact, that he is capable of properly and forcefully prosecuting his claims, and that discovery neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses. See Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel).